

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 26434 PERMIT 18908 LICENSE \_\_\_\_\_

ORDER CORRECTING AND AMENDING THE PERMIT

**WHEREAS:**

1. Permit 18908 was issued to United Water Conservation District on July 5, 1983 pursuant to Application 26434.
2. State Water Resources Control Board (Board) Order WR 87-8, in part stated the following:  
"NOW, THEREFORE, IT IS ORDERED that Permit 18908 for United should be amended by deleting condition 15 and by adding the following new conditions" (Four conditions followed).
3. Permit Condition 15, related to fishery studies, can be amended to reflect the four parts to be added per Board Order WR 87-8.
4. Condition 4 of Board Order WR 87-8 (herein referenced as amended Permit Term 15(d)) stated in part "...shall lapse seven years following completion of the proposed project and the application of water to beneficial use..." By letter of October 5, 1987 United requested clarification of such wording. By letter of October 23, 1987, Staff counsel (Buck Taylor) concluded "Taken together, the foregoing references make it clear that the study required by Condition 4 must be completed within seven years following the commencement of operation of the proposed Vern Freeman Diversion Dam."

**NOW, THEREFORE, IT IS ORDERED THAT:**

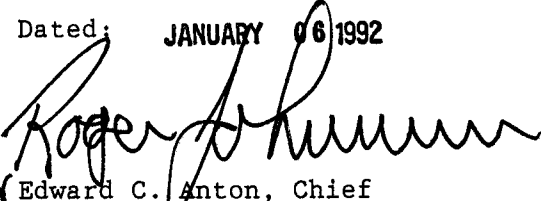
1. Condition 15 of the permit be amended to read:

The following terms refer to fish protections required by Permittee:

- (a) Permittee shall install fish screens and ladders in the improved Vern Freeman Diversion Dam to facilitate the passage of anadromous fish species migrating upstream and downstream through the project. The fish ladder shall have a hydraulic capacity of 40 cfs and the fish screen shall be operated whenever water is diverted at the dam. The design, installation and operation of the fish screen and ladder shall be developed in consultation with the California Department of Fish and Game.
- (b) Permittee shall construct a low flow channel from the exit of the fish ladder to the natural channel.
- (c) Permittee shall provide flow to facilitate migration of steelhead through the project. From February 15 through May 15 of each year, each time the flow in the Santa Clara River immediately upstream from the point of diversion subsides to 415 cubic feet per second, permittee shall bypass 40 cubic feet per second through the fish ladder for 48 hours. The total amount of water bypassed under this condition in any one year shall not exceed 500 acre-feet on a ten-year average.

(d) The bypass requirement in Condition 15(c) and the requirement to operate the fish screen in Condition 15(a) shall lapse seven years following completion of the proposed project and the application of water to beneficial use unless the California Department of Fish and Game presents the Board with the results of a study or other competent evidence that the Santa Clara River supports a viable steelhead population. If a study or other competent evidence is presented to the Board, jurisdiction is reserved to modify or delete the conditions for the protection of the steelhead. If the permittee and the Department are not in agreement for a permanent bypass flow condition, the Board will hold a hearing to determine what changes, if any, should be made in the conditions for the protection of steelhead.

Dated: JANUARY 06 1992

  
for Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 26434

PERMIT 18908

LICENSE \_\_\_\_\_

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,  
AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 18908 was issued to United Water Conservation District on July 5, 1983 pursuant to Application 26434.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
4. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition <sup>8</sup>7 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 1992

<sup>8</sup>  
(0000007)

2. Condition <sup>9</sup>8 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1998

<sup>9</sup>  
(0000008)

3. Condition 12 of this permit be amended to read:

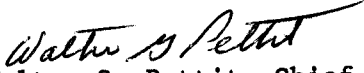
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all

or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: FEBRUARY 13 1990

  
Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18908

Application 26434 of United Water Conservation District

333 West Harvard Boulevard, Santa Paula, California 93060

filed on June 26, 1980, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Santa Clara River

Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
<u>Vern Freeman Diversion - Saticoy Headworks</u>	<u>SE<math>\frac{1}{4}</math> of SE<math>\frac{1}{4}</math></u>	<u>31</u>	<u>3N</u>	<u>21W</u>	<u>SB</u>
<u>By California Coordinates, Zone 5, X=1,622,550 and Y=290,400</u>					

County of Ventura

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
<u>Salinity Control</u>						
<u>Industrial</u>						
<u>Municipal</u>						
<u>Domestic</u>						
<u>Irrigation</u>	<u>212,400 acres within the service area of the United Water Conservation District.</u>					

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 37 cubic feet per second by direct diversion and 30,000 acre-feet by underground storage from January 1 to December 31 of each year. The total amount of water to be taken from the source shall not exceed 40,000 acre-feet per water year of October 1 to September 30. Permittee shall record separately water diverted pursuant to contract with the Department of Water Resources under Applications 25988 and 26058, water diverted under its prior rights and water diverted under this permit. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years from the date of this permit. (0000007)

8. Construction work shall be completed within four years from the date of this permit. (0000008)

9. Complete application of the water to the authorized use shall be made within 10 years from the date of this permit. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program which complies with the Board's Water Conservation Planning Guidelines. A progress report on development of the program shall be submitted to the Board within six months. The program shall be presented to the Board for approval by May 18, 1984 or within such further time as may, for good cause shown, be allowed by the Board. This condition will be satisfied by the (0000298)

18. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained. (006 0062)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JULY 5 1983

STATE WATER RESOURCES CONTROL BOARD

*Raymond Wash*  
Chief, Division of Water Rights

adoption and implementation within their jurisdiction, to the satisfaction of the Board, of the plan being prepared by Ventura County pursuant to the State Assistance Program grant to Ventura County and permittee, executed May 7, 1982.

15. The following terms refer to a fishery study required by Permittee:

- (a) Permittee shall cooperate with the Department of Water Resources and the Department of Fish and Game during the steelhead resource potential and flow requirements study to be conducted by the Department of Fish and Game. The Department of Fish and Game will request releases of water through Permittee who will act as the watermaster for the period of the study. Permittee shall notify the Department of Water Resources within four working hours after receiving the request. The study will be completed between December 31, 1984 and December 31, 1987, depending upon the availability of water. The period of the study may be extended upon a finding by the Board that such extension is necessary to accomplish the purposes of the study.
- (b) Permittee shall pass through and not divert from any of its facilities (Piru/Saticoy) during the period of the study any water released by the Department of Water Resources for purposes of the study which reaches Permittee's Saticoy or Vern Freeman Facility. During the period of study, Permittee shall not obstruct the ability of fish to swim upstream, other than by Permittee's present mode of operation which is to construct a yearly structure which will not impede upstream fish migration when flows in the river channel exceed approximately 1,500 cfs. Permittee shall notify the Department of Fish and Game of its yearly operation plans. If any facilities are constructed during the progress of the study, other than the above referenced temporary facility which washes out when flow exceeds approximately 1,500 cfs, said facilities shall include a permanent functional fishway to allow the passage of upstream migrating fish.
- (c) Permittee agrees to allow the Department of Fish and Game, during the period of study, to install and maintain netting devices at the Saticoy or Vern Freeman facility for the purpose of capturing downstream migrant fish. The Department of Fish and Game will be responsible for the transport of the captured migrant fish back to the main river channel. If, during the period of the study, Permittee substantially changes the present mode of diversion of water at Saticoy, Permittee will be responsible for installing and maintaining appropriate fish screen and fish diversion as approved by the Department of Fish and Game at or near the point of diversion and obstruction of free flow of water in the river channel.
- (d) At the conclusion of the steelhead resources and flow requirement study, if the results indicate that there is a steelhead resource, Permittee and the Department of Fish and Game will attempt to agree mutually upon permanent steelhead resource protection conditions to be added to this permit by the Board pursuant to its reserved jurisdiction. Such agreement or, if an agreement cannot be reached, terms proposed separately by Permittee and the Department of Fish and Game shall be presented to the Board along with a report of the findings and recommendation of the study and any other relevant information. The Board reserves jurisdiction to consider the appropriate permanent conditions, if any, to be added to this permit.

(0390300)

16. If any items of cultural, historical, or archeological value are discovered during construction of the project, the Chief of the Division of Water Rights shall be notified and construction shall be halted until appropriate mitigation measures can be determined.

(0380500)

17. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction Permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Los Angeles Region, by the State Water Resources Control Board. Failure of Permittee to comply with this term will subject the permit to revocation, after opportunity for hearing.

(0000100)